

**ENTERED**

March 23, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

IVAN HERNANDEZ-ORTIZ

Petitioner

VS.

UNITED STATES OF AMERICA

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CIVIL ACTION NO. 5:16-CV-343

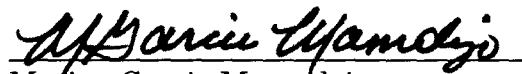
**ORDER**

On January 31, 2018, U.S. Magistrate Judge Diana Song Quiroga issued a Report and Recommendation in accordance with 28 U.S.C. § 636(b)(1) recommending that Petitioner's § 2255 Motion be denied. (Dkt. No. 9). Additionally, the Report and Recommendation concluded that should Petitioner seek a certificate of appealability, it be denied, and that the District Court certify that any appeal should not be taken *in forma pauperis*. (*Id.* at 3). Neither Party filed objections to the Report and Recommendation.

Having found no plain error in the proposed findings and recommendations, the Court hereby **ADOPTS** the Report and Recommendation as the findings of the Court. Accordingly, Petitioner's § 2255 Motion (Dkt. No. 1; Cr. Dkt. No. 38)<sup>1</sup> is **DENIED**, and this civil action is **DISMISSED WITH PREJUDICE**. Should Petitioner seek a certificate of appealability, it is **DENIED**, and the Court certifies that any appeal should not be taken *in forma pauperis*.

It is so **ORDERED**.

**SIGNED** March 23, 2018.

  
Marina Garcia Marmolejo  
United States District Judge

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<sup>1</sup> "Dkt. No." refers to the civil case, and "Cr. Dkt. No." refers to the criminal case.